

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20998 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- DHANAHA District- West Champaran

SANGAD KUSHWAHA S/o Ram Vilash Kushwaha Resident of Village -
Ghaghava, P.S. Dhanaha, District - West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dhanaha P.S. Case No. 237 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Excise Act, 2018.

As per the prosecution story, on 29.09.2020, the informant was checking the vehicles near Chandel Petrol Pump. It is alleged that on seeing the police party a Bolero pickup started fleeing away. The said vehicle was chased by the informant and was ultimately caught and two persons succeeded in fleeing away while one person was arrested who later on disclosed the name of

the petitioner. Upon search total 600 litres illicit liquor kept in green colour drum was recovered from the Bolero pickup.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the name of the petitioner has transpired in the confessional statement of the co-accused and he was not arrested on the spot. Learned counsel submits that the petitioner is in custody since 24.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, he was not arrested on the spot, the petitioner is in custody in connection with this case since 24.12.2020, he has got one criminal antecedent in which he is said to be on bail, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Dhanaha P.S. Case No. 237 of 2020 subject to the condition as laid down under

Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.